

REMARKS/ARGUMENTS

Reconsideration of this application as amended is requested. Applicant is filing herewith a Petition and fee for a two month extension of time.

Claims 3, 4, 6 and 11 are pending in this application. Claim 3 has been amended to better clarify the nature of the invention. Claim 11 has been added. Support for the amendment to claim 3 can be found on page 9, lines 32-34 of the instant specification (language re: 90% identity to SEQ ID No:5) as well as on page 6, lines 13-14 of the issued parent case to this divisional application (language re: degeneracy of genetic code). The parent case has Serial No. 09/453,195, and was filed on December 2, 1999. Claims 4 and 6 are dependent on claim 3 and thus incorporate the amendment to claim 3.

Claim 11 has been added. Support for this claim can be found on page 9, line 10 of the specification.

Rejection of the claims under 35 U.S.C. §112, ¶ 1

In the Office Action mailed on November 14, 2003, the Examiner newly rejected claims 3, 4 and 6 under 35 U.S.C. § 112, ¶ 1, as lacking enablement commensurate in scope with the claims.

The Examiner has rejected these claims, specifically stating that there is no limitation either in the claims or in the specification as to what constitutes an "IGF-1 receptor interacting protein" and also based on her dislike of the generic terms "complementary to" and "hybridizes with" in regard to those nucleic acid probes claimed which are not specifically identified by SEQ ID NO:5.

First, Applicant points out that the exact subject matter of the present invention is a method for the detection of a nucleic acid molecule encoding an IGF-1 receptor interacting protein, and not a method of detection of an IGF-1 receptor interacting protein, as stated by the Examiner.

Applicant has amended claim 3 to specify that the nucleic acid probes that are utilized for the detection of nucleic acid molecules encoding an IGF-1 receptor interacting protein comprise either a nucleic acid probe of SEQ ID NO:5 or nucleic acid probes at least 90% identical to SEQ ID NO:5 (step (i) of claim 3) and additionally, nucleic acid probes which, though not identical to the nucleic acids described in (i), due to the degeneracy of the genetic code encode polypeptides encoded by the sequence of SEQ ID NO:5 or sequences 90% identical to SEQ ID NO:5. Based upon this amendment to the claims, and specifically removal of the terms nucleic acids which "hybridize to" or are "complementary to" the nucleic acid probe of SEQ ID NO:5, Applicant's assert that the nucleic acids described in claims 3, 4 and 6, are well defined and thus the Examiner's rejection of these claims should be withdrawn. Claim 11 has been added.

With the amendment and remarks herein, applicants believe that this application is in condition for allowance, and respectfully request a Notice of Allowance at an early date.

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No fee other than the one-month Petition for Extension of time is believed due, but the Commissioner is authorized to charge the amount of any additional fees to Deposit Account No. 08-2525.

Respectfully submitted,



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